

IN THE DISTRICT COURT

OF THE FOURTH JUDICIAL DISTRICT OF IDAHO, IN AND FOR CUSTER COUNTY.

S.T. MOE et al.,

Vs.

HENRY HARGER et al.,

In the above entitled cause, the default of the non-answering defendants having been duly entered, and said cause having been regularly tried and submitted to the Court for its decision, and the Court having considered the evidence and being fully advised in the premises, makes and files its findings of fact, and directs judgment to be entered in accordance therewith:--

Whereupon it is ordered, adjudged and decreed as follows:--

1. That each and every of the tracts of land described in the complaint, answers and cross-complaints in this action as belonging to the said several parties plaintiff and defendant herein are arid in character and will not successfully raise any agricultural crop without the use of water thereon.

2. That the quantity of water required for the successful irrigation and cultivation of said land is one inch per acre measured under a four inch pressure, or its equivalent in cubic feet per second of time, to be measured at the point or place of diversion.

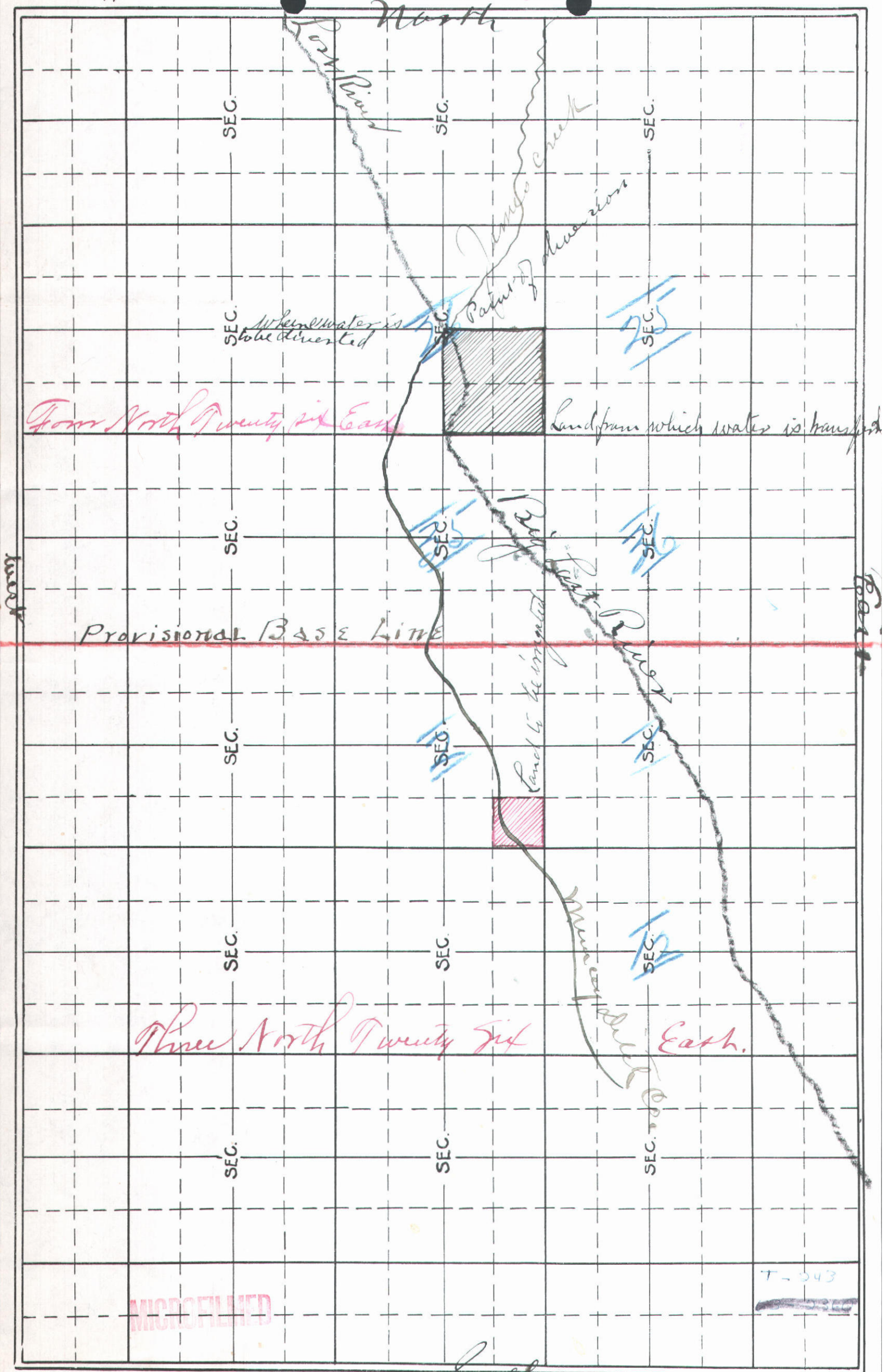
3. That each of the parties plaintiff and defendant herein-after named were at the times of the several appropriations of water made as hereinafter set forth, the owners respectively of the several tracts of land set forth and described in the complaints, answers and cross-complaints, and that for the irrigation of the same the said parties or their predecessors in law have and respectively appropriate the quantities of water hereinafter stated and on the dates respectively as hereinafter stated and set opposite the names of each of said parties, such water being estimated and measured under a four inch pressure or its equivalent in cubic feet per second of time; and ever since said date of the said sever-

MICROFILMED

Paul Thomas,	James Creek,	140	inches from June 1st, 1887.	✓
Paul Thomas,	Lost River,	160	" " June 1st, 1890.	✓
Dan L. Jones,	" "	160	" " June 1st, 1891.	✓
Ira S. George,	" "	200	" " Sept. 1st, 1896.	✓
Archie Pershall	" "	160	" " June 1st, 1898.	✓
T.C. Woodbridge, successor to				
E.A. Barnes,	" "	160	" " May 9th, 1899.	✓
Arco Trading Co	" "	10	" " June 1st, 1899.	✓
Arco Trading Co	" "	150	" " Oct. 2nd, 1899.	✓
Arco Trading Co	" "	140	" " Oct. 2nd, 1899.	✓
Matt. Boyle,	" "	160	" " May 1st, 1896.	✓
Jas. Boyle,	" "	150	" " May 1st, 1896.	✓
A.C. Porter,	" "	120	" " Sept. 1st, 1901.	✓
Peter Anderson	" "	160	" " June 1st, 1894.	✓
Herbert R. Jensen	" "	200	" " May 1st, 1899.	✓
Mrs. Lydie A. Wyatt	" "	143	" " Sept. 1st, 1899.	✓
Elmer Pershall	" "	160	" " Sept. 1st, 1898.	✓
Samuel Mulville	" "	60	" " June 1st, 1896.	✓
Samuel Mulville	" "	20	" " Mar. 1st, 1902.	✓
J.E. Long,	" "	160	" " Sept. 26th, 1896.	✓
B.F. McCowan,	" "	160	" " Sept. 26th, 1896.	✓
M.M. Moore	" "	216	" " Aug. 1st, 1896.	✓
D.S. Brown,	" "	160	" " Sept. 23rd, 1896.	✓
Chas. Akin,	" "	160	" " Aug. 10th, 1898.	✓
J.H. Henningsen	" "	160	" " Mar. 1st, 1902.	✓
Otto B. Fleischer	" "	80	" " July 22nd, 1901.	✓
Arco Townsite Co	" "	80	" " July 22nd, 1901.	✓
Isaac R. Johnson,	" "	160	" " Jan. 18th, 1902.	✓
Josephine Sanbe,	" "	80	" " Aug. 1st, 1898.	✓
D.H. Ashton, successor to				
Thos. Porter,	" "	80	" " May 1st, 1897.	✓
Emille Singer & Sarah E. Singer,	" "	60	" " May 1st, 1901.	✓
Emille Singer & Sarah E. Singer,	" "	100	" " Feb. 1st, 1902.	✓
Frank F. Brown,	" "	160	" " July 1st, 1901.	✓

Name of Applicant

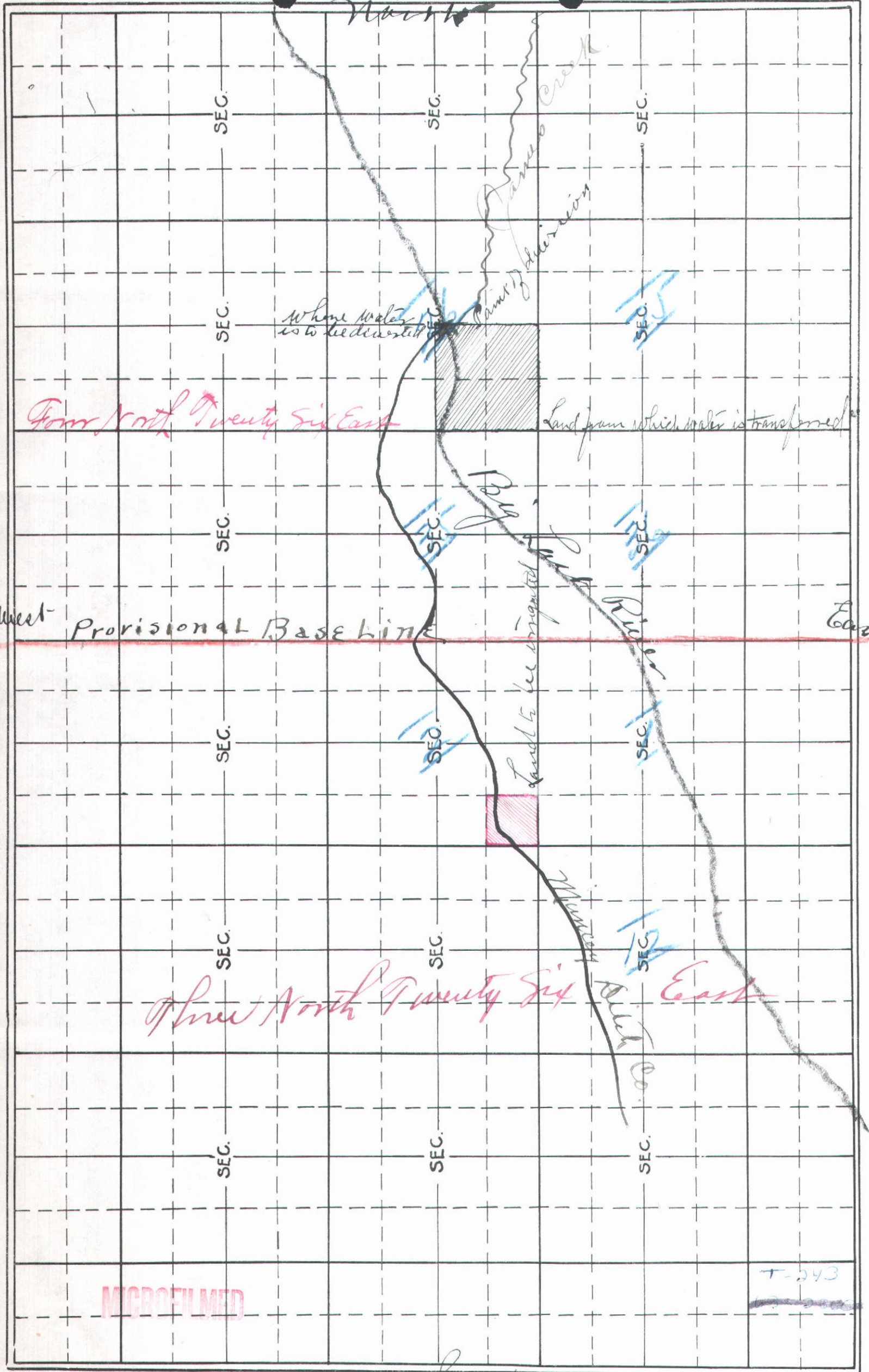
Ronald Malen
North



MICROFILMED

T-243

Name of Applicant *Galand Muler*



MICROFILMED

T-243

1. State lands from which the transfer is desired: SE⁴ Sec 26, Twp
4N, Range 26 East, B.M.
2. State amount, source, and date of water right, covering the land:
149 Inches, James Creek, dated June 1st 1887
3. State the present point of diversion by 40 acre tract: NW⁴ SE⁴ Sec
26 Twp 4N, R. 26 E. B.M.
4. Who owns the above described lands: M. W. Molen
5. How obtained: Purchased from Paul Thomas
in 1916
6. State how the water right was secured: By Court decree in case
of J. T. Moore et al vs. Henry Harger et al.
7. How much of this land is in cultivation and under irrigation: 135
8. State kind of crops: Hay, Grain, Potatoes
9. Is any portion of the above lands swampy, and if so, to what extent:
no swampy, but some natural meadow
land
10. When was water last used on the above described lands: July 1, 1919
11. How much of the above described lands will be irrigated if the transfer
is granted: 110 acres
12. How much water per acre, will be necessary: 1 Inch per acre
13. Are there any water rights, other than the one above described, attached
to the said lands, and if so, state same: none
14. Describe the lands to which the transfer is desired: SE⁴ SE⁴ Sec 2,
Twp 3N, R. 26 E. B.M.
15. Who is the owner of same, and how acquired: Ronald Molen
By purchase from J. H. Baker

MICROFILMED

T-243

65-5380

16. If there is any water right attached to the above lands at present,
state source, amount, date, how acquired: none

17. State point of diversion: N.W.⁴ S.E.⁴ Sec 26 Twp. 4 N. R. 26 E. B. 17.

18. How much of this land in cultivation and irrigation: 25 Acres

19. How much water per acre is required for these lands: one inch

20. If the transfer is granted, describe the new point of diversion:

Heading of "Munsey" ditch (described in Paragraph 17.)

21. How long have these lands been irrigated, and when was water last used
on them: six or seven years Spring of 1919

22. How much of the above described lands will be irrigated if the transfer
is granted: 25 acres, or all lying below ditch

23. Are any of these lands swampy: If so, how many acres: no.

24. What are the reasons for desiring said transfer: To water newer
land which can be more economically
watered. Part of land from which transfer
is desired being gravelly

Ronald Molen
Applicant.

Subscribed and sworn to before me this 10 day of July, 1919.

Ray R. Duke
Notary Public.
CLERK OF THE DISTRICT COURT

My commission expires: _____

MICROFILMED

T-243

63-2360

See Right No. 34-0521 → V talk *Superseded by Construction Co vs Abbott decree dated 10-21*

34-0521

STATE OF IDAHO
Department of Reclamation.

Certificate of Water Right.

Transferred Right No. 243

This is to certify that Ronald Molen, of Arco, County of Butte, State of Idaho, has a right to the use of the waters of James Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, in the case of S. T. Moe, et al, plaintiffs, vs. Henry Harger, et al, defendants Kirtland I. Perky, Judge, wherein 3.2 second feet of the waters of James Creek, in Water District No. 27-B, were dedicated to the Southeast quarter (SE $\frac{1}{4}$) of Section 26, Township 4 North, Range 26 East, Boise Meridian, bearing date of priority of June 1, 1887, said decree being entered at Boise, Idaho, in the records of the Department of Reclamation in Volume 1 of Decrees, page 492; that, upon the application of the said Ronald Molen for a transfer of water right before the Commissioner of Reclamation of Idaho and the said application having been granted, the right to use 0.5 second feet of the waters of James Creek upon the land above described is hereby abandoned and a description of the land to be irrigated under such right and to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for said purposes, and shall not exceed the following amount:

0.5 sec. ft. dating from June 1, 1887;

Twp. Rge. Sec.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$				Totals.
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
3 N 26E 2				40	40

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place herein described, as provided by the laws of the State of Idaho.

No right to the use of waters on the lands herein named exists at the date of this instrument except as herein stated.

WITNESS, the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 22nd day of July, 1919.

W. G. Swendsen.
Commissioner of Reclamation.

By: S. T. Baer.
Deputy.

(SEAL)

Recorded in Water Dist. #27B-7-23-19. MEB.
Platted on Map-Water Dist. #27B-7-22-19.STB.
Point of Diversion: NE Cor. SW $\frac{1}{4}$ -26-4N-26E.B.M.

superceded by
Albion Idaho
Land Co. vs. Adams
decreed dated
10-23-1925

STATE OF IDAHO

Department of Reclamation.

Certificate of Water Right.

Transferred Right No. 242.

This is to certify that Charles S. Gamble, Jr., of Malta, County of Cassia, State of Idaho, has a right to the use of the waters of Cassia Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Cassia in the case of J. M. Darby, et al, plaintiffs, vs. E. D. Jones, et al, defendants, C. C. Stockslager, Judge, wherein nine-tenths (0.9) second feet of the waters of Cassia Creek, in Water District No. 8-C, were dedicated to the Northwest quarter (NW $\frac{1}{4}$) of Section 22, Township 13 South, Range 26 East of Boise Meridian, bearing date of priority of May 31, 1881, said decree being entered at Boise, Idaho, in the records of the Department of Reclamation in Volume 2 of Decrees at Page 343; that, upon the application of the said Charles S. Gamble, Jr., for a transfer of water right made before the Commissioner of Reclamation of Idaho and the said application having been granted, the right to use one-tenth (0.1) second feet of the waters of Cassia Creek upon the land above described is hereby abandoned and a description of the land to be irrigated under such right and to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for said purposes, and shall not exceed the following amount:

0.1 sec. ft. dating from May 31, 1881.

Twp. Rge. Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Total.
13S 26E 12					.5

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place herein described, as provided by the laws of the State of Idaho.

No right to the use of the waters on the lands herein named exists at the date of this instrument except as herein stated.

WITNESS, the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 1st day of July, 1919.

(SEAL)

W. G. Swendsen.
Commissioner of Reclamation.
By S. T. Baer.
Deputy.

Recorded in Water Dist. 18-C L.E.
Platted on Map-Water Dist. #8-C STB
Pt. Diversion-3E $\frac{1}{4}$ 3E $\frac{1}{4}$ -11-13S-26E BM.

34-B2-1

THE DISTRICT COURT

OF THE JUDICIAL DISTRICT OF IDAHO, IN AND FOR CUSTER COUNTY.

A. J. RAY et al.,

Vs.

HENRY HARRIS et al.,

In the above entitled cause, the default of the non-answering defendant herein has been duly entered, and said cause having been regularly brought on for trial to the Court for its decision, and the Court having been duly advised and being fully advised in the premises, makes and enters its judgment of fact, and directs judgment to be entered in accordance with said judgment.

Wherefore it is ordered, adjudged and decreed as follows:--

1. That every of the tracts of land described in the complaints, answers and cross-complaints in this action as belonging to the said plaintiff and defendant herein are and in character thereof shall not be used to raise any agricultural crop without the use of water.

2. That the quantity of water required for the successful irrigation and cultivation of said land is one inch per acre measured under a four inch pressure, or its equivalent in cubic feet per second of time, at the point of diversion.

3. That each of the parties plaintiff and defendant herein after shall file with the Court the several appropriations of water made by them respectively, and the owners respectively of the several tracts of land set forth and described in the complaints, answers and cross-complaints, for the irrigation of the same the said parties or their assigns shall respectively appropriate the quantities of water as hereinbefore set forth and on the dates respectively as hereinafter set forth to the names of each of said parties, such water being estimated under a four inch pressure or its equivalent in cubic feet per second of time; and ever since said date of the said sever-

Paul Thomas, " " " "	160	inches	from June 1st, 1887.	✓
Paul Thomas, " " " "	160	"	" June 1st, 1890.	✓
Tom L. Jones, " " " "	160	"	" June 1st, 1891.	✓
Tom L. Jones, " " " "	200	"	" Sept. 1st, 1886.	✓
Archib. Marshall " " " "	160	"	" June 1st, 1893.	✓
T.C. Woodbridge, successor to				
T.C. Jones, " " " "	160	"	" May 9th, 1899.	✓
Arco Printing Co " " " "	10	"	" June 1st, 1890.	✓
Arco Printing Co " " " "	180	"	" Oct. 2nd, 1885.	✓
Arco Printing Co " " " "	40	"	" Oct. 2nd, 1885.	✓
Matt. Apple, " " " "	160	"	" May 1st, 1896.	✓
Sam. Apple, " " " "	160	"	" May 1st, 1886.	✓
A.J. Porter, " " " "	120	"	" Sept. 1st, 1901.	✓
Peter Anderson " " " "	160	"	" June 1st, 1894.	✓
Robert Anderson " " " "	200	"	" May 1st, 1899.	✓
Mrs. John A. Wyatt " " " "	113	"	" Sept. 1st, 1899.	✓
Elmer Forshall " " " "	160	"	" Sept. 1st, 1898.	✓
Samuel Melville " " " "	60	"	" June 1st, 1896.	✓
Samuel Melville " " " "	20	"	" Mar. 1st, 1902.	✓
J.F. Long, " " " "	160	"	" Sept. 20th, 1896.	✓
B.F. McGowan, " " " "	160	"	" Sept. 20th, 1896.	✓
M.K. Moore " " " "	216	"	" Aug. 1st, 1896.	✓
D.C. Brown, " " " "	160	"	" Sept. 20th, 1896.	✓
Chas. Akim, " " " "	160	"	" Aug. 10th, 1893.	✓
J.N. Thompson " " " "	160	"	" Mar. 1st, 1902.	✓
Otto H. Fischer " " " "	60	"	" July 22nd, 1901.	✓
Arco Printing Co " " " "	80	"	" July 22nd, 1901.	✓
Isaac Anderson, " " " "	160	"	" Jan. 10th, 1902.	✓
Spaulding Apple, " " " "	60	"	" Aug. 1st, 1898.	✓
D.H. Ashton, successor to				
Thos. Porter, " " " "	80	"	" May 1st, 1897.	✓
Emille Singer & Sarah E. Singer, " " " "	60	"	" May 1st, 1901.	✓
Emille Singer & Sarah E. Singer, " " " "	100	"	" Feb. 1st, 1902.	✓
Frank F. Brown, " " " "	160	"	" July 1st, 1901.	✓

This transfer was superseded by 34-0521. (See Utah Construction Company vs. Abbott decree dated October 21, 1925.)

Arco Hardware & Implement Co.

MOLEN & DANIELSON, Proprietors

Arco, Idaho, ... Aug. 6/19 19.....

Department of Reclamation.

Boise,

Idaho.

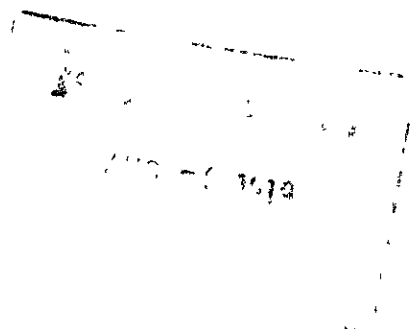
Gentlemen:

In regard to transfer right no. 243. I am inclosing an affidavit of Publication, which you will possibly need for your files.

Yours very truly,

K.L.Molen

E/S



T-243

July 25, 1919.

Re: Certificate of Transfer No. 243.

Mr. Rolan Wolen,
Arco, Idaho.

Dear Sir:

We enclose herewith certificate of transfer No. 243
in your favor, also receipt No. 3566 in payment of
the statutory fee of \$1.00 in connection with the
same. I am also enclosing your abstract of title which
accompanied the application for transfer.

Very truly yours,

W. G. SWENDESEN,

Commissioner of Reclamation.

By

Deputy.

STB/TB
Encl.
~~T-243~~

7 14 4

T-243

~~4-2-3-6~~

Arco Hardware & Implement Co.

MOLEN & DANIELSON, Proprietors

Arco, Idaho, ...July 16/19..... 19.....

Mr. S W Swensen.

Boise, Idaho.

Dear Sir:

Regarding my application for transfer of water I would like the decree from James creek, dated 1887. There appears to be two decrees given to Mr. Paul Thomas, and we purchased the land with the earlier decree.

Thanking you in advance for your promptness in this matter.

I am yours very truly,

Ronald Molen.

T-243

~~XXXXXXXXXX~~

July 14, 1919.

Re: Transfer Case No. 19.

Mr. Ronald Molen,
Arco, Idaho.

Dear Sir:

In connection with your application for transfer of certain water rights existing on Big Lost River and James Creek, we are now in receipt of the report by our examining engineer, Mr. Fred A. Tolman.

Your application reads that the water that you wish to transfer has its source from the two above named streams, yet in checking up the abstract I find that the deed conveys to the 149 acres owned by you, 149 inches from James Creek. If you desire to transfer 25 inches of this right to the lands in Section 2, it appears that said amount should read from James Creek under date of priority of June 1, 1887. The decree states that the right from Big Lost River is dated from June 1, 1890, and we infer that it is the prior right which you desire to transfer. If we are right in this surmise, please let us know by return mail, and the certificate of transfer will be issued.

Very truly yours,

W. H. SWENDESEN,

Commissioner of Reclamation.

By

Deputy.

SEB/MB
CT-19 ✓

T-243

June 30, 1919.

Re: Application for transfer.

Mr. Roland Molen,
Arco, Idaho.

Dear Sir:

In reply to yours of recent date will state that our letter to you under date of June 5th was in error. July 9th is the date set for hearing which is to be held at Arco instead of Rockland. Our representative, Mr. Badley, will be there and take testimony and it is necessary that you be on hand.

As per your request, am returning the letter.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Deputy.

WGB/MB



T-243

~~CONFIDENTIAL~~

Arco Hardware & Implement Co.

MOLEN & DANIELSON, Proprietors

Arco, Idaho, June, 7th/19/ 19.....

State Engineer.

Pocatello, Ida.

Dear Sir:

A short time ago I made application for the transfer of
25 inches of water from Fathers place to 40^{acres} of land on the op-
posite side of the river I have a crop that will be an entire loss,
unless I can get the benefit of a temporary transfer at least until
a hearing can be had. I know of no good reason why this transfer s
should not be made perminent but that will be determined later of-
course.

I would like permission to use it there until it can be adv-
ertised.

I am enlcosing a letter that I just received from the office ~~xx~~
I would appreciate returned with your reply.

Please explain the last paragraph. Shall I come to Rockland on
the 9th. of July for the hearing in this matter\$?

Thanking you kindly for a prompt reply, I am,

Very Respectfully Yours.

Ronald Molen

T-243

June 5, 1919.

Re Certificate of Transfer.

Mr. Ronald Nolan ,
Arco, Idaho.

Dear Sir:—

Relative to your application for transfer of water right, would say that, inasmuch as Mr. Swendsen is out of the city and will not return before the 12th of the month, I would suggest that you write him at Pocatello, c/o J. H. Petersen, asking for temporary permission to use the water on the new land and state that you have filed an application for such transfer. You should also state in your letter that your application contained an affidavit from the watermaster to the effect that no one would be injured by making the change.

July 9th has been set as date for the hearing at Reckland and notice has today been mailed to the Arco Advertiser.

Very truly yours,

Clerk.

T-243

Arco, Idaho, May 27, 1919.

Department of Reclamation,

Boise, Idaho.

Gentlemen: Herewith enclosed my application for transfer of water right. I have twenty-five acres of alfalfa and grain growing on the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 2, Twp. 3 N.R.26 E.B.M., which is suffering for water and if not water in the next week will perish. I wish you would grant me a temporary permit to use water to be transferred on above described land until the hearing of case.

Yours very truly,

Ronald Moley.

1919

T-243

Affidavit of Publication

I, C. A. Bottolfsen, publisher of **THE ARCO ADVERTISER**, published at Arco, Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for Four consecutive weeks, commencing with the issue dated June 13, 1919, and ending with the issue dated July 4, 1919.

Subscribed and sworn to before me this 29th day of July, 1919.

William
Notary Public.

Arco Idaho

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT.

Notice is hereby given that Ronald Molen of Arco, has applied to the commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of twenty-five inches of the water of Big Lost River and James Creek from the land upon which it is now used, i. e., SE $\frac{1}{4}$ of section 26, township 4 north, range 26, east, B. M. to the following described tract, SE $\frac{1}{4}$, SE $\frac{1}{4}$ section 2, township 3 north, range 26 east, B. M.

And that, on the 9th day of July, A. D. 1919, at Arco, Idaho, before the commissioner of reclamation or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

W. G. SWENDSON,
Commissioner of Reclamation.
(June 13, last July 4)

T-243

Notice of Proposed Transfer of Water Right

Notice is hereby given that Ronald Kolen of _____
_____ Arco _____ has applied to the Commissioner of Reclamation of the State of Idaho
for a certificate authorizing him to transfer the use of _____ 25 inches _____
_____ of the water of _____ Big Lost River and James Creek _____
_____ from the land upon which it is now used, i. e. _____ SE 1/4 of Sec. 26, Twp. 4 N., R. 26 E., B.M. _____
_____ to the following described tract _____ SE 1/4 Sec. 2, Twp. 3 N., R. 26 E., B.M. _____

And that, on the _____ 9th _____ day of _____ July _____, A. D.
1919 _____, at _____ Arco, Idaho, _____
before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and
all persons to appear and present for his consideration any reason or reasons why a certificate should
not be issued authorizing such transfer.

_____ W. G. SWENDSEN, _____

Commissioner of Reclamation

T-243

(P. O.)

Arco Idaho

(Date)

June 7

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of

June 6

enclosing notice ~~of project under~~

~~Project No. 1~~

which will be published as you request, beginning with our issue of

June 13

Arco, Idaho

T-243

RECEIPT FOR REGISTERED ARTICLE NO. 1245 191

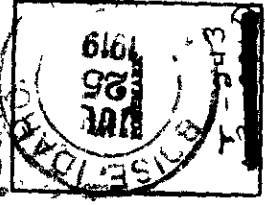
From *W. J. R. C.* class postage *4.*

Addressed to *Postmaster, Milwaukee, Wis.*

Return receipt desired ☒

Delivery restricted ☐ To addressee in person
☐ To addressee or order

Postmaster, per *62*



Post Office Department
OF BUSINESS

REGISTERED ARTICLE

No. _____

1245

INSURED PARCEL

No. _____

Return to

Street and Number,
or Post Office Box,

(NAME OF SENDER)

BOISE,

IDAHO.

PENALTY FOR PRIVATE USE
TO AVOID PAYMENT OF
POSTAGE, \$800.

POSTMARK OF DELIVERING
OFFICE

DATE OF DELIVERY

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Ronald J. Brown
(Signature or name of addressee)

(Signature of addressee's agent)

7-25, 1919

Application for Transfer of Water Right

STATE OF IDAHO,

County of Butte } ss.

Ronald Molen

being first duly sworn, deposes and says.

That his name is Ronald Molen; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Arco, Idaho.

That he is the owner ^{and using} a certain water right, bearing date of priority of June 1 ~~18~~ 1887 for one-half cubic feet per second of the waters of Big Lost River & James creek

County of Butte, State of Idaho, decreed to Paul Thomas

by decree of Judge Kirtland I. Perky, of the fourth Judicial District of the State of

Idaho in and for the County of Butte, in the case of S.T. Moe et al vs.

vs Henry Harger et al., said decree bearing date of Jan. 2, 1902

(or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____, 19____), bearing date of priority of _____, 19____,

for the purpose of irrigating the following described lands situate, lying and being in Water District No _____

in the County of Butte and State of Idaho, to-wit:

Southeast quarter of ~~the east~~ section 26, Township 4 North, Range
twentysix (26) East Boise Meridian.

_____ and is the person (or the representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, to-wit:

by purchase

as per abstract of title of said water right hereto attached and made a part of this statement.

That said waters are now diverted from said stream at Northeast corner of SW $\frac{1}{4}$ Sec. 26
Twp. 4 North, Range 26 East B.M.

and conducted to the above described lands through Muncy Canal

as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 25 liners inches of said
of said water upon the above described land, and to convey and use same upon the following tract situate,
lying and being in the County of Butte and State of Idaho, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 2, Twp. 3 North, Range 26 E.B.M.,

That his reasons for desiring to make such transfer are as follows:

That I have no water to irrigate said forty acres of land, except
the foregoing described 25 inches which I purchased from M.W. Molen

RECORDED

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That he intends to divert and convey said twenty-five inches of water to the tract of land last above described in the following manner, to-wit: The Muncy Canal heads at same point where said forty inches of water was diverted from, except it is on the opposite side of the river; that I have purchase a right in the said Muncy ditch to carry said water to and upon my premises as heretofore described

as set forth upon the map hereto attached; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Master of Water District No. 27-6, in accordance with the provisions of Section 3264 of the Revised Codes of Idaho, as amended.

J. M. Molen

Subscribed and sworn to before me this 27th day of May

A. D. 1919

By _____

Applicant will answer the following questions:

From what stream is the water diverted? Big Lost River & James Creek

Where is the diversion point located? near Northeast corner SW $\frac{1}{4}$ Sec. 26, Twp. 4 N.R. 26 East B.M

Through what ditch is it now conducted? private ditch owned by M.W. Molen

How much land is now irrigated by the water sought to be transferred? 25 acres

Give the description part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 26, Twp. 4 N.R. 26 E.B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 149 inches

What kind of crops are being raised? Alfalfa, grain and pasture

How much water per acre is now required to irrigate said land? inch to the acre

What will be the effect on the land now irrigated, if the use of water on it is discontinued? it will damage the farm some, but there are about six acres of gravel bar that takes considerable water to irrigate and will discontinue irrigating same

From what stream will the water be diverted if the transfer is made? Big Lost river & James Creek

Give location of new point of diversion Northeast corner of the SW $\frac{1}{4}$, sec. 26, Twp 4 N.R. 26 E.B.M

Through what ditch will it be conducted after transfer? Muncy canal

How much water will be required per acre to irrigate the land to which this water is transferred? twenty-five inches

Do you claim any other water right for the land from which you seek to abandon the use of this water? No.

Is there now any other water right for the land to which you seek to make this transfer? No.

Signed _____

Applicant.

STATE OF IDAHO,

County of Butte

} ss.

L. Hohn

and

J. P. Russell

being first duly sworn, each for himself, and not one for the other, deposes and says. That he is a citizen of the United States and of the State of Idaho, residing at Arco, Idaho.

that he is a user of water from Big Lost river & James Creek, in Water District No.

County of Butte, State of Idaho; that he has read or heard read the foregoing affidavit

and petition of Ronald Molen, and is familiar with its allegations, and with the water

right and lands therein mentioned and described and is not in any way interested in either, nor in any way

related to said petitioner; that the statements and allegations therein made are true of his own knowledge;

and that no one will be injured by the granting of the certificate authorizing the transfer thereon petitioned.

L. Hohn

J. P. Russell

Subscribed and sworn to before me this 27th day of May

A D 1919

W. M. Alvord

Notary Public, Arco, Idaho.

STATE OF IDAHO,

County of Butte

} ss.

I, Harold Spangenberg, Watermaster of

Water District No. 27-6, County of Butte, State of Idaho, whose postoffice address

is Moore, Idaho., have read or heard read the foregoing affidavit and petition

of Ronald Molen, and, of my own knowledge, believe the same to be

true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the State Engineer issue the certificate of

transfer as petitioned, or (do not approve of the issuance of the certificate of transfer prayed for) for the

following reasons:

Harold Spangenberg

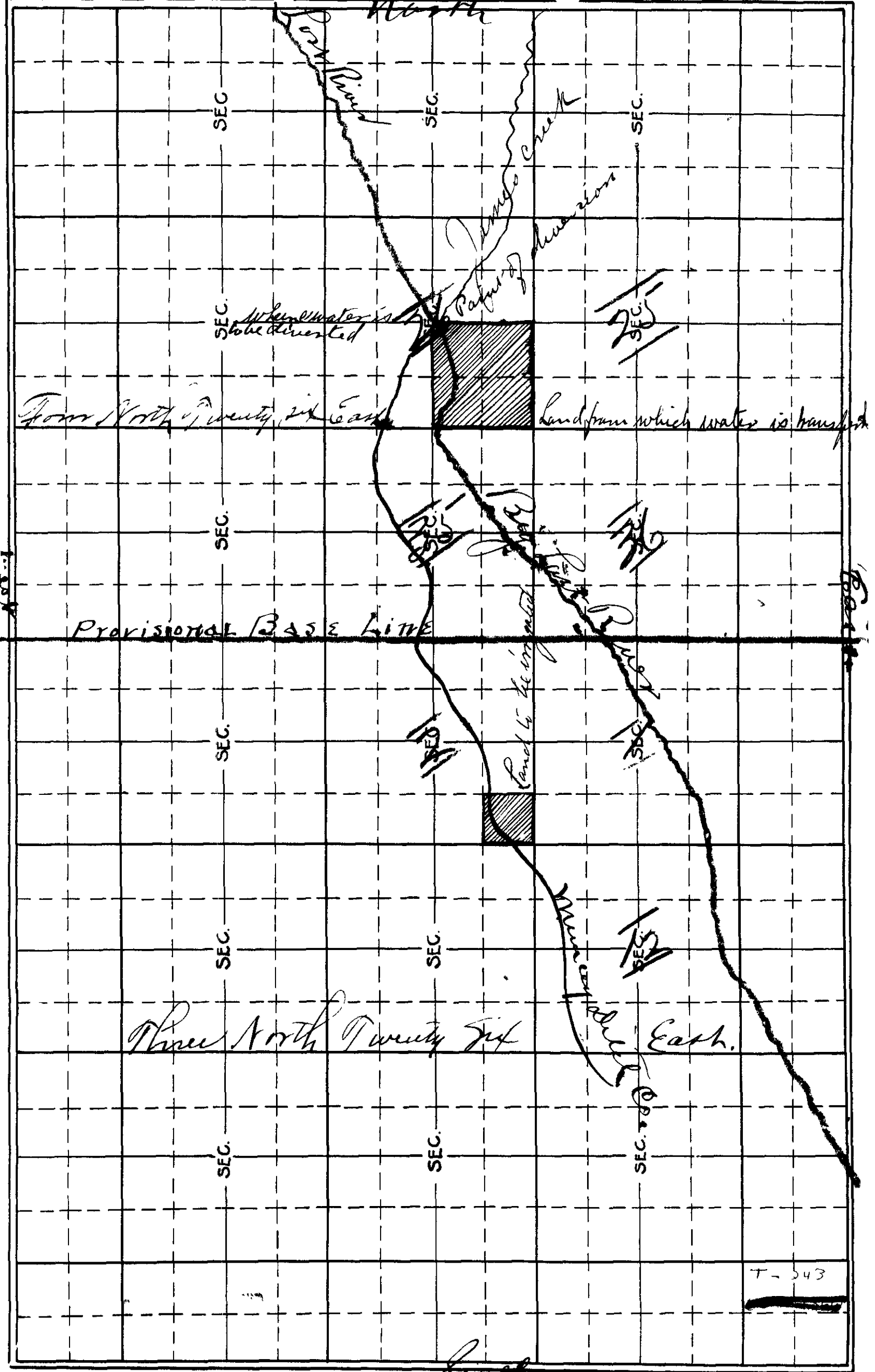
Watermaster, Dist No. 27-6

Dated at Arco, Idaho, this 27th day of May, 19 19

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~~6-27-60~~

Name of Applicant Karald Malen



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SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

March 10



Saurh

1. State lands from which the transfer is desired: SE⁴ Sec 26, Twp
4N, Range 26 East, B.M.
2. State amount, source, and date of water right, covering the land: 149 Inchu, James Creek, dated June 1st 1887
3. State the present point of diversion by 40 acre tract: NW⁴ SE⁴ Sec
26 Twp 4N, R 26 E, B.M.
4. Who owns the above described lands: M. W. Molen
5. How obtained: Purchased from Paul Thomas
in 1916
6. State how the water right was secured: By Court decree in case
of J. T. Moore, et al vs. Henry Harger, et al.
7. How much of this land is in cultivation and under irrigation: 135
8. State kind of crops: Hay, Grain, Potatoes
9. Is any portion of the above lands swampy, and if so, to what extent:
no swampy, but some natural meadow
land
10. When was water last used on the above described lands: July 1, 1919
11. How much of the above described lands will be irrigated if the transfer
is granted: 110 acres
12. How much water per acre, will be necessary: 1 Inch per acre
13. Are there any water rights, other than the one above described, attached
to the said lands, and if so, state same: none
14. Describe the lands to which the transfer is desired: SE⁴ SE⁴ Sec 2,
Twp 3N, R 26 E, B.M.
15. Who is the owner of same, and how acquired: Ronald Molen
By purchase from J. H. Baker

16. If there is any water right attached to the above lands at present,
state source, amount, date, how acquired: none

17. State point of diversion: N.W.⁴ S.E.⁴ Sec 26 Twp. 4 N. R. 26 E. B.T.M.

18. How much of this land in cultivation and irrigation: 25 Acres

19. How much water per acre is required for these lands: one inch

20. If the transfer is granted, describe the new point of diversion:

Heading of "Mumsey" Ditch (described in Paragraph 17.)

21. How long have these lands been irrigated, and when was water last used
on them: six or seven years Spring of 1919

22. How much of the above described lands will be irrigated if the transfer
is granted: 25 acres or all lying below ditch

23. Are any of these lands swampy? If so, how many acres: no.

24. What are the reasons for desiring said transfer: To water newer
land which can be more economically
watered. Part of land from which transfer
is desired being gravelly

Ronald Molen
Applicant.

Subscribed and sworn to before me this 10 day of July 1919.

Ray R. Deane
Notary Public.
CLERK OF THE DISTRICT COURT

My commission expires: _____

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